

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ELIZABETH C. HOULIHAN

Plaintiff,

vs.,

COMMISSIONER SOCIAL
SECURITY,
Defendant.

Civil No. 2:22-cv-00472-JR

ORDER FOR ATTORNEY FEES
UNDER 42 U.S.C § 406 (B)

RUSSO, United States Magistrate Judge:

Plaintiff's Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b), is hereby GRANTED, and Plaintiff's counsel is awarded \$34,900.25 under 42 U.S.C. § 406(b). Previously, this Court awarded Plaintiff EAJA fees in the amount of \$14,919.32 and EAJA fees in the amount of \$14,937.00 were previously awarded in case no. 6:17-01679-CL (altogether totaling \$29,856.32), to be paid to Plaintiff's attorney, Ms. Meserow, after the satisfaction of Plaintiff's debts under *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). Therefore, when issuing the 406(b) fee check for payment to Plaintiff's counsel, the Commissioner is directed to subtract the \$29,856.32 previously paid as EAJA fees from the \$34,900.25 awarded, and to send Ms. Meserow the remaining balance of \$5,043.93¹, less any applicable processing fee prescribed by law.

Generally, payment of fees is from the claimant's withheld past-due benefits. If the Commissioner has not withheld past-due benefits sufficient to satisfy this order, in the event

¹ \$34,900.25 - \$29,856.32 = \$5,043.93.

Plaintiff's attorney reports she is unable to collect the fee from the claimant, the Commissioner will satisfy this order via the procedures in the Program Operation Manual System (POMS) GN 03920.055.C, in accordance with agency policy.

The § 406(b) check payable to Ms. Meserow should be mailed to Nancy J. Meserow, Law Office of Nancy J. Meserow, 7540 SW 51st Avenue, Portland, OR 97219.

IT IS SO ORDERED this 30th day of December, 2024.

/s/ Jolie A. Russo
Jolie A. Russo
U.S. Magistrate Judge